

The Law Offices of Albert Van-Lare
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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DR. DIONE M. WILLIAMS

Plaintiff,

Civil Action No.: 06-1649 (JAP)

vs.

NEWARK BETH ISRAEL MEDICAL CENTER
SAINT BARNABAS HEALTH CARE SYSTEM
Defendants.

NOTICE OF MOTION TO WITHDRAW ALL FEDERAL CLAIMS

TO: Apruzzese, McDermott,
Mastro & Murphy, P.C.
P.O. Box 112
Liberty Corner, New Jersey 07938
Attorney for Defendants Newark Beth Israel Medical Center;
Saint Barnabas health Care System
Attn: Ryan Carey Esq.

COUNSEL:

PLEASE TAKE NOTICE that ALBERT VAN-LARE ESQ., on behalf of Plaintiff, Dr. Dione Williams, shall move at 9.30 A.M. in the forenoon on October 15, 2007 or as soon thereafter as counsel can be heard, before the Honorable Tonianne J. Bongiovanni, U. S. M. J, in the U.S. District Court, District of New Jersey, 402 East

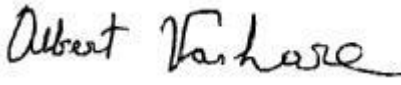
State Street Trenton N.J 08608, for an order allowing plaintiff to withdraw all federal claims in this action, and dismissing all federal claims against Defendants in their entirety with prejudice.

PLEASE TAKE FURTHER NOTICE that Plaintiff shall rely on the enclosed affirmation of Plaintiff, and affirmation of attorney.

PLEASE TAKE FURTHER NOTICE that Plaintiff does not request oral argument.

Respectfully Submitted

The Law Offices of Albert Van-Lare
80 Wall Street
3rd Floor
New York, New York 10005
Attorneys for Plaintiff
Dione M. Williams, M.D.

By: 
Albert Van-Lare

Dated: September 21, 2007

AFFIRMATION OF PLAINTIFF IN SUPPORT OF MOTION TO
WITHDRAW ALL FEDERAL CLAIMS.

State Of N.J
County of Essex.

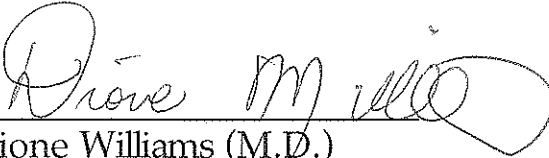
Williams v. Newark Beth Israel
Medical Center et al

CV 06-1649 (JAP)

Plaintiff affirms the following under penalty of perjury.

1. My name is Dione Williams and I am the Plaintiff in this case.
2. I am a medical doctor licensed to practice in the State of New Jersey.
3. I am withdrawing all my federal claims and causes of action based on federal law, U. S. Constitution or any treaty of the United States.
4. I understand that the Court may dismiss all my federal claims with prejudice and I so consent.
5. I have decided to pursue only my state law claim of employment discrimination based solely on New Jersey State law and not on United States or federal laws.
6. I respectfully request the court to allow the withdrawal of my federal claims and immediately dismiss the federal claims against all Defendants.
7. I respectfully request the Court to remand or certify my case back to the State Superior Court where I filed my case before Defendants removed it to federal Court.

Respectfully Submitted


Dione Williams (M.D.)

Sworn and subscribed to before me this 21ST day of
September 2007


ALBERT VAN-LARE
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 30, 2010

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New York, NY 10005
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Fax: (212)608-9347
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DR. DIONE M. WILLIAMS

Plaintiff,

Civil Action No.: 06-1649 (JAP)

vs.

NEWARK BETH ISRAEL MEDICAL CENTER
SAINT BARNABAS HEALTH CARE SYSTEM
Defendants.

ATTORNEY'S AFFIRMATION IN SUPPORT OF PLAINTIFF'S MOTION TO
WITHDRAW ALL FEDERAL CLAIMS

State of NJ
County of Essex

I, Albert Van-Lare, an attorney admitted to practice before the U.S. District Court, District of New Jersey and the State of New Jersey affirm the following under the penalty of perjury:

1. I am the attorney of record in the aforementioned matter and I represent the Plaintiff.

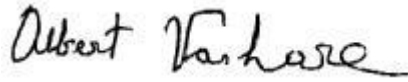
2. My knowledge of this case and the matters I refer to in this case are based on my investigations, interviews, and a review of the records in this case.
3. Plaintiff has directed me to inform the Court of her intention to withdraw all her federal claims in this case.
4. Plaintiff understands that the Court will dismiss the federal claims.
5. Plaintiff understands the claims could be dismissed with prejudice.
6. Plaintiff intends to prosecute her claim of discrimination against the Defendants on the basis of New Jersey Law Against Discrimination.
7. Plaintiff respectfully requests the Court to dismiss with prejudice all the federal claims against all Defendants in this case immediately.
8. Once all the federal claims are dismissed only the State claims remain and Plaintiff respectfully requests the Court to remand the case back to State Court where Plaintiff originated her case before Defendants removed the case.
9. Once all federal claims are withdrawn, it is Plaintiff's position that this Court will have no jurisdiction over this case. I therefore, ask the court to dismiss the federal claims and remand the case back to State Court.
10. The Parties in this case are scheduled to hold the last deposition of a fact witness on September 25, 2007.
11. The parties have not conducted expert witness deposition.
12. Plaintiff will use expert witness and expert deposition in the prosecution of her state claims.
13. Plaintiff indicated to the Court at the last telephone conference on September 4, 2007 that deposition of another fact witness may be necessary after the September 25, 2007 deposition.
14. Both the September 25, 2007 deposition and the additional deposition that may be requested will be based solely on matters dealing with New Jersey Law Against Discrimination.
15. All of the depositions held by the parties thus far are related to matters and issued under New Jersey Law Against discrimination.
16. Absent the Court restraining Plaintiff from withdrawing her federal claims, the Court's jurisdiction ceases to exist at the withdrawal of all claims. The Court shall dismiss the federal claims in the instant matter. (See Fed Rule of Civil Procedure (2007) 12(h) 3.)
17. Federal courts are courts of limited jurisdiction. See Steel Co. v. Citizens for a Better Env't, 118 S. Ct. 1003, 1012 (1998). "The requirement that jurisdiction be established as a threshold matter "spring[s] from the nature and limits of the judicial power of the United States' and is 'inflexible and without exception'" Id. (quoting

Mansfield, C. & L.M.R. Co. v. Swan, 111 U.S. 379, 382 (1884))
(alteration in original).

18. The Court should also decline jurisdiction over the case because the withdrawal of all of plaintiff's federal claims will result in cessation of the Court's original jurisdiction as no federal questions would be presented (See 28 USC 1367 (c) 3.)
19. I respectfully request the Court to dismiss the federal claims in this matter and remand the outstanding state law claim to State Court.

Dated: September 21, 2007

Respectfully Submitted



The Law Offices of Albert Van-Lare
80 Wall Street
3rd Floor
New York, New York 10005
Attorneys for Plaintiff
Dione M. Williams, M.D.

By: _____
Albert Van-Lare

Dated: September 20, 2007

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80 Wall Street
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New York, NY 10005
Tel: (212) 608-1400
Fax: (212)608-9347
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

DR. DIONE M. WILLIAMS

Plaintiff,

Civil Action No.: 06-1649 (JAP)

ORDER OF DISMISSAL

VS.

NEWARK BETH ISRAEL MEDICAL CENTER
SAINT BARNABAS HEALTH CARE SYSTEM
Defendants.

THIS MATTER having been brought to the attention of the Court by Albert Van-Lare, Esq., attorney for Plaintiff, Dr. Dione Williams, upon Notice of Motion to Ryan Carey Esq., attorney for Defendants, Newark Beth Israel Medical Center and St. Barnabas Health Care System: and the Court having heard arguments of counsel: and having read the papers submitted; and for good cause shown;

[illegible]

1. Plaintiff's claims that are based on federal law are hereby dismissed with prejudice and without costs to either party.
2. Plaintiff's outstanding claims are remanded to New Jersey Superior Court.

Dated:

HON. TONIANNE J. BONGIOVANNI, U.S.M.J

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Plaintiff,

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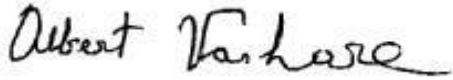
CERTIFICATE OF SERVICE

NEWARK BETH ISRAEL MEDICAL CENTER
SAINT BARNABAS HEALTH CARE SYSTEM
Defendants.

The undersigned hereby certifies that I have on this 21st day of September, 2007 caused to be served the within and foregoing NOTICE OF MOTION AND AFFIRMATION upon Defendants' counsel, via ECF AND regular mail , as follows:

TO: Apruzzese, McDermott, Mastro & Murphy, P.C.
P.O. Box 112
Liberty Corner, New Jersey 07938
Attorneys for Defendants Newark Beth Israel Medical
Center; Saint Barnabas Health Care System

I hereby certify that the foregoing statements made by me are true and accurate to the best of my knowledge and belief. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

A handwritten signature in cursive script, reading "Albert Van-Lare". The signature is written in black ink and is positioned above a horizontal line.

Albert Van-Lare